

Yackulic, Ted

From: Feldman, Stephen (Perkins Coie) <SFeldman@perkinscoie.com>
Sent: Monday, February 03, 2014 4:30 PM
To: Yackulic, Ted; 'tyackulic@gmail.com'; Frederick.Phillips@USDOJ.GOV; 'jleonard@ml-llp.com'; 'shawn@sryanlaw.com'
Subject: FW: Escrow Agreement
Attachments: EPA SA Lombard revs to Absorbent_Tech_draft_SA 1 31 11.doc

Here it is again ...

From: Feldman, Stephen (Perkins Coie)
Sent: Monday, February 03, 2014 12:06 PM
To: 'yackulic.ted@epa.gov'; 'tyackulic@gmail.com'; 'Frederick.Phillips@USDOJ.GOV'; 'jleonard@ml-llp.com'; 'shawn@sryanlaw.com'
Subject: RE: Escrow Agreement

Attached is the updated version of the settlement agreement with all newly proposed changes in redline.

Please note that I have highlighted Paragraph 14 because at this point I am unsure whether the signing of the settlement agreement will pre-date or post-date the sale of the Queen Property. In either event, we simply will need to make sure that the language and tense usage coincides with the facts.

Please let me know if any of you have any questions or concerns with the settlement agreement in its present form.

Thanks,
Stephen

From: Feldman, Stephen (Perkins Coie)
Sent: Monday, February 03, 2014 9:09 AM
To: 'yackulic.ted@epa.gov'; 'tyackulic@gmail.com'; 'Frederick.Phillips@USDOJ.GOV'
Cc: 'jleonard@ml-llp.com'; 'shawn@sryanlaw.com'
Subject: Re: Escrow Agreement

Also, I will be circulating an updated version of the settlement agreement this morning. I have cleaned-up the paragraph/section cross-references, fixed a few typo issues, and made some proposed revisions to the bankruptcy-related provisions that Justin inserted. The changes are relatively minor and I do not anticipate that they will create any issues, as I have already discussed them with Justin. In any event, I will try to circulate it as soon as I can.

From: Feldman, Stephen (Perkins Coie)
Sent: Monday, February 03, 2014 09:01 AM Pacific Standard Time
To: 'yackulic.ted@epa.gov' <yackulic.ted@epa.gov>; 'tyackulic@gmail.com' <tyackulic@gmail.com>; 'Kelly.Norton@ctt.com' <Kelly.Norton@ctt.com>; 'Frederick.Phillips@USDOJ.GOV' <Frederick.Phillips@USDOJ.GOV>

Cc: 'jleonard@ml-llp.com' <jleonard@ml-llp.com>

Subject: Re: Escrow Agreement

Ted,

Yes, we will make sure that you get whatever documentation can be provided regarding the creation of the escrow account.

In the meantime, I understand from Chicago Title that the lien release needs to be recorded (just like the lien itself was recorded). Even with the signed release, the sale will not be able to close without the lien release being officially recorded. I trust that EPA can handle the recording, but please confirm. Please also let us know when we can expect the lien release to be recorded.

Thanks,
Stephen

From: Yackulic, Ted [<mailto:yackulic.ted@epa.gov>]

Sent: Monday, February 03, 2014 08:53 AM Pacific Standard Time

To: Feldman, Stephen (Perkins Coie); 'tyackulic@gmail.com' <tyackulic@gmail.com>; 'Kelly.Norton@ctt.com' <Kelly.Norton@ctt.com>; Frederick.Phillips@USDOJ.GOV <Frederick.Phillips@USDOJ.GOV>

Cc: 'jleonard@ml-llp.com' <jleonard@ml-llp.com>

Subject: RE: Escrow Agreement

Can you send me documentation of the account after it is created? Thanks.

From: Feldman, Stephen (Perkins Coie) [<mailto:SFeldman@perkinscoie.com>]

Sent: Monday, February 03, 2014 8:49 AM

To: Yackulic, Ted; 'tyackulic@gmail.com'; 'Kelly.Norton@ctt.com'; Frederick.Phillips@USDOJ.GOV

Cc: 'jleonard@ml-llp.com'

Subject: Re: Escrow Agreement

Thanks, Ted.

Kelly, please let Ted know if anything else is required on the part of EPA.

From: Yackulic, Ted [<mailto:yackulic.ted@epa.gov>]

Sent: Monday, February 03, 2014 08:45 AM Pacific Standard Time

To: Feldman, Stephen (Perkins Coie); 'tyackulic@gmail.com' <tyackulic@gmail.com>; 'Kelly.Norton@ctt.com' <Kelly.Norton@ctt.com>; Frederick.Phillips@USDOJ.GOV <Frederick.Phillips@USDOJ.GOV>

Cc: 'jleonard@ml-llp.com' <jleonard@ml-llp.com>

Subject: RE: Escrow Agreement

Steve and Kelly,

Here is a signed copy of the lien release. If you need the original let me know where to mail it. We will send it by overnight mail.

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-1218
yackulic.ted@epa.gov

From: Feldman, Stephen (Perkins Coie) [<mailto:SFeldman@perkinscoie.com>]
Sent: Sunday, February 02, 2014 3:31 PM
To: 'tyackulic@gmail.com'; 'Kelly.Norton@ctt.com'; Yackulic, Ted; Frederick.Phillips@USDOJ.GOV
Cc: 'jleonard@ml-llp.com'
Subject: Re: Escrow Agreement

Kelly?

From: Ted Yackulic [<mailto:tyackulic@gmail.com>]
Sent: Sunday, February 02, 2014 03:29 PM Pacific Standard Time
To: Feldman, Stephen (Perkins Coie); 'Norton, Kelly' <Kelly.Norton@ctt.com>; 'Yackulic, Ted' <yackulic.ted@epa.gov>; Frederick.Phillips@USDOJ.GOV
<Frederick.Phillips@USDOJ.GOV>
Cc: Justin D. Leonard (jleonard@ml-llp.com) <jleonard@ml-llp.com>
Subject: RE: Escrow Agreement

Will a scanned version do

Ted Yackulic

From: [Feldman, Stephen \(Perkins Coie\)](#)
Sent: 2/2/2014 1:22 PM
To: '[Norton, Kelly](#)'; '[Yackulic, Ted](#)'; 'tyackulic@gmail.com'; Frederick.Phillips@USDOJ.GOV
Cc: [Justin D. Leonard \(jleonard@ml-llp.com\)](mailto:Justin D. Leonard (jleonard@ml-llp.com))
Subject: RE: Escrow Agreement

All, attached is a fully-executed copy of the Escrow Agreement.

Ted, please send the lien release at your earliest opportunity.

Thanks,
Stephen

From: Norton, Kelly [<mailto:Kelly.Norton@ctt.com>]
Sent: Friday, January 31, 2014 5:06 PM
To: Feldman, Stephen (Perkins Coie); 'Yackulic, Ted'
Cc: Frederick.Phillips@USDOJ.GOV; Justin D. Leonard (jleonard@ml-llp.com)
Subject: RE: Escrow Agreement

Stephen please see attached with my signature and the original is on its way to you for delivery on Monday. Thanks again~

Kelly M. Norton
Senior Escrow Officer/Commercial Division
Chicago Title Company
1211 SW Fifth Avenue, Suite 2130
Portland, OR 97204
Direct:503-973-7402
Toll Free: 866-847-7400
Fax: 503-248-0324
Kelly.Norton@CTT.COM

From: Feldman, Stephen (Perkins Coie) [<mailto:SFeldman@perkinscoie.com>]
Sent: Friday, January 31, 2014 4:41 PM
To: 'Yackulic, Ted'; Norton, Kelly
Cc: Frederick.Phillips@USDOJ.GOV; Justin D. Leonard (jleonard@ml-llp.com)
Subject: RE: Escrow Agreement

FYI, I will have all of the Seller signatures within the next hour or so.

Kelly, Please advise as to Chicago Title's signature. Thanks.

From: Yackulic, Ted [<mailto:yackulic.ted@epa.gov>]
Sent: Friday, January 31, 2014 3:59 PM
To: Feldman, Stephen (Perkins Coie); Kelly.Norton@CTT.COM
Cc: Frederick.Phillips@USDOJ.GOV; Justin D. Leonard (jleonard@ml-llp.com)
Subject: RE: Escrow Agreement

Kelly and Steve,

Attached is an EPA signed copy of the escrow agreement. I'll send a scanned version of the lien release form after I receive a copy of the executed escrow agreement.

Ted Yackulic, Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Phone: 206-553-1218
yackulic.ted@epa.gov

From: Feldman, Stephen (Perkins Coie) [<mailto:SFeldman@perkinscoie.com>]
Sent: Friday, January 31, 2014 2:37 PM
To: Kelly.Norton@CTT.COM; Yackulic, Ted
Cc: Frederick.Phillips@USDOJ.GOV; Justin D. Leonard (jleonard@ml-llp.com)
Subject: Escrow Agreement

Kelly and Ted,

Attached is an execution copy of the Escrow Agreement.

Please have an authorized representative of Chicago Title and EPA, respectively, sign the Agreement, and please then return to me the executed signature page. Once all the parties and EPA have signed, I will put together a fully-executed copy of the Agreement and circulate it.

Thanks everyone for your cooperation and effort in getting this done.

Best,
Stephen

Stephen M. Feldman | **Perkins Coie LLP**

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Portland, OR 97209-4128
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